

Att. Ref.: 31253

**English translation of an Examination Report issued by the GPTO on
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Examination Report File 196 55 400.4

IPC G06F 13/12

- 1) DE 195 22 185 A1 (of older seniority)
- 2) "Anatomy of an X Terminal"
by A.E. Soccaras, R.S. Cooper, W.F. Stonecypher
published in IEEE Spectrum March 1991
- 3) EP 0 597 395 A1

1.)

On November 22, 2006 the applicant effectively filed request for examination in the present application. This request is based on the documents filed on September 12, 2006. The present application is a divisional application based on the basic application 196 55 235.4 that is a divisional application itself based on the patent application 196 54 766.0. The priority of the US American prior application US 08/581168 of December 29, 1995 is claimed.

2.)

2.1.) Independent patent claims 1, 4, 6, and 8 are worded in the fashion of a task. According to § 34 (3) 3 PatG and § 9 (4) PatV in patent claim 1 (main claim) and the alternative independent patent claims all essential features of the invention are to be indicated. The main claim and each of the alternative independent patent claims on its own has to contain all features that are necessary for the solution of the task according to the invention, i.e. all features required for a person skilled in the art to be able

to implement the invention (cf. i.a. Schulte Patent Law, seventh edition, § marg. no. 127 to 129, 169).

2.2.) Patent claims 1 to 10, moreover, are unclear. The following points remain unclear:

1. Does the word "Windows" from the term Windows application relate to Microsoft Windows^R or generally to a window application? The same applies to the term "Windows functionalities" in claim 8.
2. The term "to allow the use of a Windows application" in claims 4 and 8 is undefined and unclear and should be clarified.
3. The term "total number formed by one or several memories" in claim 6 is equally unclear and needs to be clarified. It presumably relates to the total number of bytes, i.e. the overall storage capacity.
4. Equally undefined is the term "appearance" in claims 8 and 9. In this connection also the term "essentially the same as the ... provided by a PC" is undefined and thus unclear.
5. Subclaim 10 is entirely unclear: what does "one or several features connected to a multiple user system (or customer server environment)" mean? Moreover, the term "customer server environment" has not originally been disclosed.

The present patent sought thus is not capable of being granted for lack of completeness and clarity.

3.)

3.1.) As far as clear, a terminal for communicating with a server according to the main claim has been previously known from the prior art.

Corresponding to the subject matter of patent claim 1 it may be gathered from the document 1 a

terminal (150 – cf. i.a. Fig. 1 and description) for communicating with a server (main computer 140), comprising:

- a. a network interface (network connection 160) for communicating with a server; and

- b. a processor coupled to the network interface (within an X terminal 150), the processor being configured for operation with the network interface and to access a Windows application resident on the server (140) without implementing the Windows application resident on the server locally (cf. i.a. col. 2, lines 38 to 47, col. 3, lines 44 to 53, Fig. 1, 3).

The terminal according to patent claim 1 thus has been previously known; patent claim 1 therefore is not capable of being granted for lack of novelty of its subject matter.

The document 2 discloses the general structure and application of an X terminal. The document 3 discloses a subject matter comparable with a subject matter of the application (cf. i.a. abstract, Fig. 2).

3.2.) As far as clear, according to patent claim 4 the terminal essentially does not contain any additional features in comparison with the scope of the features of patent claim 1, so that patent claim 4 is equally incapable of being granted for analogous reasons.

3.3.) As far as clear, the features of alternative independent patent claim 6 and subclaims 2, 7 can be gathered from the document 2 (cf. i.a. p. 52, first col., last paragraph, third col., first paragraph).

3.3.) As far as clear, no patentable peculiarity over the established prior art and expert knowledge cannot be gathered from the further patent claims; thus e.g. the features contained in subclaims 5 and 7 can equally be gathered from the document 1 (cf. i.a. Fig. 1, 3, 6 and description).

In view of this substantial and legal situation no prospect for success can be held out for this application, for the time being.

4.)

Should the applicant still see something patentable in a different technical peculiarity, applicant is asked to

1. possibly present a clarified, positively formulated task now underlying the subject matter of the application,
2. present a new patent sought which is demarcated against the prior art the main claim of which provides a clear and complete solution with technical means or measures,
3. possibly furnish evidence of features newly introduced into the patent sought as being disclosed in the original documents in a way essential to the invention,
4. explain the inventive step over the established prior art due to the technical solution features,
5. adapt the description to the new patent sought and
6. consider the established prior art established in the examination procedure (documents 1 to 3) in the introduction to the description.

Should the application, however, be maintained with the same patent sought or one of the same content, a rejection of the application has to be reckoned with.

Examining Division G06F

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